

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) **CRIM. NO. 3:17-CR-0088-CCC**
)
 LUIS ANGEL MONZON-OCASIO,)
)
 Defendant.)
)

TO THE HONORABLE COURT:

1. On February 13, 2017, Defendant was Indicted by a Grand Jury in the District of Puerto Rico in the above-referenced case. (D.E. #9)
2. On February 16, 2017, Defendant waived his right to an Arraignment (D.E. #11) and on February 21, 2017, the Court accepted Defendant's waiver. (D.E. #12)
3. On April 11, 2017, this Honorable Court issued a Scheduling Order that, among other things set Defendant's trial for July 10, 2017 at 2:00 p.m. (D.E. #13)
4. Defendant Luis Angel Monzon-Ocasio hereby asserts his speedy trial rights and places the United States on notice of his assertion.
5. Defendant also notifies this Honorable Court of his OBJECTION to the Court's Scheduling Order because it violates the Defendant's Speedy Trial Act rights.
6. Additionally, at Page 5, Section (c) of the Order, the Court makes a predetermined finding in violation of the Speedy Trial Act, (hereinafter "the Act"). Specifically, the Order states that, "[t]he Court finds that the interest of the defendant in adequately researching, drafting, and filing his pretrial motions outweighs his interest and that of the community in a speedy trial."

7. As required by Title 18 U.S.C. §3161(h)(7)(A) and (B), the Court cannot make an “ends of justice” pre-determination to exclude time from the Speedy Trial clock.
8. The Act, at Subsection (h)(7)(A) , states “...No such period of delay resulting from a continuance granted by the Court in accordance with this paragraph shall be excludable under this subsection unless the court sets forth, in the record of the case, either orally or in writing, its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial.”
9. Subsection (h)(7)(B) of the Act states, “[t]he factors, among others, which a judge shall consider in determining whether to grant a continuance under subparagraph (A) of this paragraph in any case are as follows:...”
10. Defendant avers that it is an abuse of discretion and an express violation of the Speedy Trial Act for the Court to apply a blanket “ends of justice” determination PRIOR to the filing of any motions without analyzing any of the factors set forth in Subsection (h)(7)(B).
11. Defendant further avers that an “ends of justice” analysis can only be made at the moment pretrial motions are filed or thereafter.

WHEREFORE, Defendant respectfully provides NOTICE of his speedy trial assertion and his OBJECTION to the Scheduling Order. This NOTICE is not to be considered a “Pretrial Motion.”

RESPECTFULLY SUBMITTED,

By: /s/ Juan E. Milanés .
Juan E. Milanés, Esq.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the counsel(s) of record.

At Reston, Virginia, this 12th day of April, 2017.

/s/Juan E. Milanés
Juan E. Milanés, Esq.
Counsel for Defendant